

STATE OF UTAH
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
UTAH WATER QUALITY BOARD
SALT LAKE CITY, UTAH 84114-4870

Ground Water Discharge Permit
Permit No. UGW270004

In compliance with the provisions of the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 1953, as amended, the Act,

Intermountain Power Service Corporation (IPSC)
850 West Brush Wellman Road
Delta, Utah 84624

hereafter referred to as the "Permittee," is granted a Ground Water Discharge Permit for the operation of the **Intermountain Generating Station (IGS)** located 10 miles north of Delta in Millard County.

IGS is located on the following tracts of land (Salt Lake Base and Meridian):

Township15 South, Range 6 West - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 18
Township15 South, Range 6 West - NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19
Township15 South, Range 7 West - Sections 10, 11, 14, and 15, all
Township15 South, Range 7 West - SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12
Township15 South, Range 7 West – SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$ of Section 13
Township15 South, Range 7 West - Lots 1, 2, 4, 6, 9 of Section 22
Township15 South, Range 7 West - Lots 1, 3, 5, 6, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23
Township15 South, Range 7 West - Lots 1, 2, 5, 7, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 24

The Permit is based on representations made by the Permittee and other information contained in the administrative record. It is the responsibility of the Permittee to read and understand all provisions of this Permit.

The facility shall be operated in accordance with conditions set forth in the Permit and the Utah Administrative Rules for Ground Water Quality Protection (UAC R317-6).

This Ground Water Discharge Permit for the Intermountain Generating Station supersedes all other Ground Water Discharge Permits for this facility previously issued.

This Permit shall become effective on February 2, 2011.

This Permit and the authorization to discharge shall expire at midnight, February 2, 2016.

Signed this 2nd day of February, 2011.

Leah Ann Lamb
Acting Executive Secretary
Utah Water Quality Board

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I. SPECIFIC PERMIT CONDITIONS

A. Ground Water Classification and Protection Levels

The ground water classification for the unconfined aquifer in the area of IGS is generally Class II Drinking Water Quality Ground Water. Ground water at each compliance monitoring well has been classified based on historical well-specific monitoring data.

The Permittee shall operate the facility such that the ground water quality standards (UAC R317-6.2) and ground water permit limits in Table 1A that were developed for this Permit are not exceeded at the designated compliance monitoring wells. Utah ground water regulations also contain standards for contaminants such as metals, pesticides, and volatile organic compounds. Accordingly, the Permittee must not discharge these or any other contaminants which could impair beneficial uses of the ground water, even though the Permit does not require monitoring for them.

Ground Water Permit Limits for compliance monitoring wells are represented in Table 1A. Permit Limits are based on site ground water sampling performed to date and on the protection level criteria of UAC R317-6-4. The limits are based on compounds that may be in the discharge to ground water, and must be met at the compliance monitoring wells.

TABLE 1A
Intermountain Generating Station Monitoring Well Permit Limits

Monitoring Well ID	Location	Minimum Sampling Frequency	Permit Limit TDS ¹ mg/L	Permit Limit Boron ² mg/L
Compliance Wells				
RW-6	west side of evaporation ponds	Semi-Annual	900 ³	0.53 ³
RW-9	west side of evaporation ponds	Semi-Annual	900 ³	0.53 ³
EP-W-19	west side of evaporation ponds	Semi-Annual	1600 ³	0.53
EP-W-23	west side of evaporation ponds	Semi-Annual	958	0.53
EP-W-27	west side of evaporation ponds	Semi-Annual	1095	0.53
WDB-19	Combustion landfill	Semi-annual	1097	0.53
Recovery Wells				
WR-101	evaporation pond perimeter	Semi-Annual	NA	NA
WR-102	evaporation pond perimeter	Semi-Annual	NA	NA
WR-103	evaporation pond perimeter	Semi-Annual	NA	NA
¹ Class II protection level for TDS is 1.25 times the background level ² Permit Limit is an action level ³ Interim value. Permit Limits will be calculated in mid-2012 NA = Not Applicable				

TABLE 1B
Perched Well Monitoring Program

Monitoring Well ID	Well Location	Minimum Measurement Frequency	
		Semi-Annual	Annual
AR-P0-4	Recycle Basin	X	
BA-P-01	Bottom Ash Basins		X
BA-P-02	Bottom Ash Basins		X
BA-P-04	Bottom Ash Basins		X
BA-P-07	Bottom Ash Basins		X
BA-P-08	Bottom Ash Basins		X
BA-P-09	Bottom Ash Basins		X
BA-P-11	Bottom Ash Basins		X
BA-P-12	Bottom Ash Basins		X
BA-P-15	Bottom Ash Basins		X
BA-P-16	Bottom Ash Basins		X
BA-P-17	Bottom Ash Basins		X
EP--P01	Evaporation Ponds		X
EP-P-02	Evaporation Ponds		X
EP-P-03	Evaporation Ponds		X
EP-P-04	Evaporation Ponds		X
EP-P-05	Evaporation Ponds		X
EP-P-06	Evaporation Ponds		X
EP-P-07	Evaporation Ponds		X
EP-P-08	Evaporation Ponds		X
EP-P-09	Evaporation Ponds		X
EP-P-10	Evaporation Ponds		X
EP-P-11	Evaporation Ponds		X
EP-P-12	Evaporation Ponds	X	
EP-P-13	Evaporation Ponds		X
EP-P-14	Evaporation Ponds	X	
EP-P-16	Evaporation Ponds	X	
EP-P-17	Evaporation Ponds	X	
EP-P-18	Evaporation Ponds	X	
EP-P-20	Evaporation Ponds	X	
EP-P-21	Evaporation Ponds	X	
EP-P-22	Evaporation Ponds	X	
EP-P-24	Evaporation Ponds	X	
EP-P-25	Evaporation Ponds	X	
EP-P-26	Evaporation Ponds	X	
EP-P-28	Evaporation Ponds		X
EP-P-29	Evaporation Ponds		X
EP-P-30	Evaporation Ponds		X
EP-P-31	Evaporation Ponds		X
WW-P-05	Wastewater Holding Basin	X	
WW-P-07	Wastewater Holding Basin	X	
WW-P-08	Wastewater Holding Basin	X	

B. Permitted Facilities

The Facilities authorized under this Permit are listed in Table 2. These facilities constitute those, not permitted by rule, where there is potential for release of process fluids to ground water. Any modification to the present facilities that has the potential to affect ground water as prescribed in Part I.C will require both modification of this Permit and issuance of a Construction Permit.

C. Best Available Technology Performance Standard

Any construction, modification, or operation of new waste or wastewater disposal, treatment, or storage facilities shall require submittal of engineering design plans and specifications, and prior Executive Secretary review and approval. All engineering plans or specifications submitted shall demonstrate compliance with all Best Available Technology (BAT) requirements stipulated by the Utah Ground Water Quality Protection Rules (UAC R317-6). Upon Executive Secretary approval, a Construction Permit may be issued, and this Permit may be re-opened and modified to include any necessary requirements.

The enforceable performance standard for this Permit to achieve protection of ground water quality will be discharge minimization of process fluids to ground water from the permitted facilities listed in Table 2. The Permittee is responsible for implementing and maintaining BAT noted in Table 2 to minimize discharge of process fluids from the permitted facilities to ground water. Maintenance of this performance standard will be demonstrated by:

1. No ground water degradation beyond permit limits established in Table 1A and measured by compliance monitoring wells.
2. Absence of measurable process water at or above the well screen in the perched monitoring wells listed in Table 1B.
3. Adherence to the maintenance and performance criteria in Table 2.
4. Implementation of the Best Management Practices Plan (Appendix B) to ensure prompt clean up of any spills and proper handling of process waters as well as an ongoing inspection and maintenance program for facilities included in this Permit. Permittee shall operate the Intermountain Generating Station in accordance with this plan.

TABLE 2
Intermountain Generating Station
POINT SOURCE COMPONENTS

Facility	Fluids Handled	TDS (mg/L) April 2010	BAT Description	Operation and Maintenance	Performance Criteria
Settling Basin	Process Water · Cooling Tower blowdown, storm water, misc. plant drains · Contact storm water	1,570	(1) Clay Lined Pond	· Process water recycled · Inspections per BMP Plan	· Prompt repair of leaks · Adherence to BMP Plan (Appendix B)
Coal Pile Runoff Basin	Coal Pile · Coal System Washdowns · Contact storm water	Not applicable	(1) Clay Lined Pond	· Inspections per BMP Plan	· Adherence to BMP Plan (Appendix B)
Bottom Ash Ponds	Process Water · Ash transport water and ash solids · Contact storm water	1,790 – 6,680	(3) 80-mil HDPE Lined Ponds	· Process water recycled · Inspections per BMP Plan	· Prompt repair of leaks · Adherence to BMP Plan (Appendix B)
Waste Water Holding Basin	Process Water · Scrubber sludge process water · Sanitary sewage treatment overflow · Contact storm water	25,500	(1) 80-mil HDPE Lined Pond	· Process water recycled · Inspections per BMP Plan	· Prompt repair of leaks · Adherence to BMP Plan (Appendix B)
Evaporation Ponds	Process Water · Waste Water Basin blowdown · Sewage treatment effluent · Contact storm water	25,700 to 150,000	(6) 80-mil HDPE Lined Ponds	· Inspections per BMP Plan	· Prompt repair of leaks · Adherence to BMP Plan (Appendix B)
Recycle Basin	Process Water · Contact storm water	1,750	(1) 80-mil HDPE Lined Pond	· Process water recycled · Inspections per BMP Plan	· Prompt repair of leaks · Adherence to BMP Plan (Appendix B)
Process water pipelines to ponds	· Process water	none		· Inspections per BMP Plan	· Prompt repair of leaks · Adherence to BMP Plan (Appendix B)

D. Design and Construction

1. The IGS is operated according to the specifications, plans and drawings included in the Permit application received in September 1995, and amended in April 2000 and August 2000.

E. Compliance Monitoring

1. General Provisions

- a) *Future Modification of the Monitoring Network* - If at any time the Executive Secretary determines the monitoring program to be inadequate for determining compliance with BAT, applicable compliance limits, or Utah Administrative Code ground water protection levels, Permittee shall submit within 30 days of receipt of written notice from the Executive Secretary a modified monitoring plan that addresses the inadequacies noted by the Executive Secretary.

Within 60 days of completion and development of any new or replacement monitoring well, Permittee shall submit documentation demonstrating that the well is in conformance with the EPA RCRA Ground Water Monitoring Technical Enforcement Guidance Document, 1986, OSWER-9950.1 (RCRA TEGD) Section 3.5.

- b) *Compliance Monitoring Period* - Monitoring shall continue through the life of this Permit. For compliance monitoring wells that are installed during the term of this Permit, monitoring shall commence upon completion of the well installation and development.
- c) *Laboratory Approval* - All water quality analyses shall be performed by a laboratory certified by the State of Utah to perform the analytical methods required.

2. Water Quality Sampling

- a) *Water Level Measurement* - In association with each well sampling event, water level measurements shall be made in each monitoring well prior to removal of any water from the well bore. These measurements will be made from a permanent single reference point clearly marked on the top of the well or surface casing. Measurements will be made to the nearest 0.01 foot. Depth to water measurements shall be reported in the monitoring reports.
- b) *Sampling Protocol* - Water quality samples will be collected, and handled in conformance with the approved IPSC Sampling and Contingency Plan (Appendix A). The results of ground water quality

monitoring shall be reported in accordance with the schedule in Part I.H.

- c) *Constituents Sampled* - The following analysis shall be performed on all water quality samples collected:
 - i) Field Measurements: temperature, pH, specific conductance.
 - ii) Laboratory Analysis: Total dissolved solids (TDS), boron.
- d) *Additional Constituents Sampled* - The following analyses shall be performed on water samples collected from any well that has been determined to be in non-compliance status:
 - i) Major Ions: chloride, sulfate, alkalinity, sodium, magnesium, potassium, and calcium.
- e) *Analytical Procedures* - Water sample analysis will be conducted according to test procedures specified under UAC R317-6-6.3L.

3. Monitoring Frequency

Compliance Well Monitoring Frequency - All compliance monitoring wells listed in Table 1A will be sampled semi-annually throughout the term of this Permit. All new or replacement compliance monitoring wells shall be sampled quarterly for a period of two years following installation to establish baseline ground water quality. Following completion of accelerated sampling, monitoring shall change to a semi-annual sampling frequency unless more frequent sampling is required under other terms of this Permit.

Perched Well Monitoring Frequency - Water levels in perched monitoring wells will be measured at the frequency listed in Table 1B throughout the term of this Permit. Results shall be reported semi-annually as indicated in Part I.H.

Water extraction wells installed for corrective action at the Bottom Ash Basins will be operated according to the Corrective Action Plan approved by the Executive Secretary. These wells will be sampled a minimum of two times per year. Results shall be reported semi-annually as indicated in Part I.H.

Monitoring wells installed to monitor groundwater for corrective action at the Bottom Ash Basins shall be sampled a minimum of two times per year, unless the Executive Secretary determines that other periodic sampling is appropriate. Results shall be reported semi-annually as indicated in Part I.H.

Permittee shall verify the results of BAT designated for each facility component listed in Table 2 with an inspection and maintenance program (Appendix B). Documentation of compliance with this program shall be maintained on site for review by representatives of the Division.

F. Demonstration of Compliance

1. Probable Out of Compliance for Ground Water Protection Levels - If the concentration of a pollutant from any compliance monitoring well sample exceeds the permit limit (Table 1A), the Permittee shall:

- a) Notify the Executive Secretary in writing within 30 days of receipt of the data;
- b) Initiate monthly sampling for the compliance monitoring well(s) that has exceeded the permit limit (Table 1A), unless the Executive Secretary determines that other periodic sampling is appropriate, for a period of two months or until the compliance status of the facility can be determined.

2. Out of Compliance Status for Ground Water Protection Levels

Out-of-compliance status exists when:

- a) The value for two consecutive samples from a compliance monitoring well exceeds one or more permit limits for a pollutant (Table 1A); and
- b) The concentration of any pollutant in two or more consecutive samples is statistically significantly higher than the applicable compliance limit. Statistical significance can be determined using methods described in Statistical Methods for Evaluating Ground Water Monitoring Data from Hazardous Waste Facilities, Vol. 53, No. 196 (Federal Register, Oct. 11, 1988) and supplemental Guidance For Data Quality Assessment (EPA/600/R-96/084 January 1998).
- c) Upon determining that an out-of-compliance situation exists, the Permittee shall:
 - i) Notify the Executive Secretary of the out-of-compliance status within 24 hours of detection followed by a written notice within 5 days of the detection.
 - ii) Initiate monthly sampling unless the Executive Secretary determines that other periodic sampling is appropriate until the facility is brought into compliance.

- iii) Submit a Source Assessment and Compliance Schedule to the Executive Secretary within 30 days of detection of the out-of-compliance status that outlines the following:
 - Steps of action that will assess the source, extent, and potential dispersion of the contamination.
 - Evaluation of potential remedial actions to restore and maintain ground water quality and ensure the compliance limits will not be exceeded at that compliance monitoring point.
 - Measures to ensure BAT will be re-established.
 - iv) Implement the Source Assessment and Compliance Schedule as directed by the Executive Secretary.
3. Probable Out of Compliance for Best Available Technology (BAT) - If the monitoring of fluid levels in a perched well indicates the probable presence of process water at or above the well screen, the Permittee shall:
- a) If the source is undetermined, check all perched wells for fluid;
 - b) Collect a sample of the fluid and analyze for TDS, boron, and any other ions that are indicative of the probable source;
 - c) Notify the Executive Secretary in writing within 30 days of receipt of the data;
 - d) If a leak from any of the permitted facilities is suspected, implement the applicable Sampling and Contingency Plan components to determine the source of the leak.

G. Non- Compliance for Best Available Technology (BAT)

- 1. Permittee is required to maintain BAT in accordance with the approved design and practice for this Permit. Failure to maintain BAT or maintain the approved design and practice shall be a violation of this Permit. In the event a compliance action is initiated against the Permittee for violation of Permit conditions relating to best available technology, Permittee may affirmatively defend against that action by demonstrating the following:
 - a) Permittee submitted notification in accordance with UAC R317-6-6.13;
 - b) The failure was not intentional or caused by Permittee's negligence,

either in action or in failure to act;

- c) Permittee has taken adequate measures to meet Permit conditions in a timely manner or has submitted for the Executive Secretary's approval, an adequate plan and schedule for meeting Permit conditions; and
- d) The provisions of UCA 19-5-107 have not been violated.

H. Reporting Requirements

1. Reporting

- a) *Monitoring Wells*- Water quality sampling results for compliance monitoring wells shall be submitted to the Executive Secretary according to the following semi-annual reporting schedule:

<u>Semi-Annual Monitoring Period</u>		<u>Report Due On</u>
1st	(January- June)	August 15
2nd	(July – December)	February 15

- b) Unless a submittal date extension has been requested by Permittee and granted by the Division of Water Quality, failure to submit reports within the time frame due shall be deemed as noncompliance and may result in enforcement action.
- c) Monitoring data from the perched wells shall be reported semi-annually and also maintained on file at the IGS.
- d) *Electronic Filing Requirements* - The Permittee will submit the required ground water monitoring data in one of these electronic formats: adobe pdf, CD, or other approved transmittal mechanism.

I. Compliance Schedule

- 1. Compliance monitoring well EP-W-19 may be detecting elevated TDS from the Bottom Ash Basin plume that has moved in a westerly downgradient direction. This well has an interim compliance limit in Table 1A. This well should be sampled according to the semi-annual schedule, and the compliance limit will be re-evaluated in mid-2010 if TDS levels stabilize.
- 2. The groundwater discharge permit for IGS is under a corrective action order at time of permit renewal. If, at any time during the permit term, the bottom ash basin plume of elevated TDS is found to have moved beyond control measures currently in place, the operator shall propose additional corrective action for plume containment. Compliance levels and monitoring points may be modified at that time.

3. A revised and current Sampling and Contingency Plan shall be submitted by April 30, 2011 for Executive Secretary approval.
4. Within 1 year of permit expiration, Permittee shall collect water samples to characterize process waters in the basins and ponds listed in Table 2. Analytical results shall be submitted with the permit renewal application due 6 months prior to permit expiration. The analytical parameters suite shall be the constituents listed in Part I.E.2.c and Part I.E.2.d.
5. Within 1 year of permit expiration, Permittee shall collect water samples from EMW-01 through EMW-08 to evaluate BAT performance of all basins, the ability of stratified clay beds to protect underlying aquifers, and to ensure any contaminants remain on plant property. Analytical parameter suite shall be the same as for Compliance Schedule item #1 above. Analytical results shall be submitted with the permit renewal application due 6 months prior to permit expiration.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be representative of the monitored activity.
- B. Analytical Procedures. Water sample analysis must be conducted according to test procedures specified under UAC R317-6-6.3L, unless other test procedures have been specified in this Permit.
- C. Penalties for Tampering. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Reporting of Monitoring Results. Monitoring results obtained for each monitoring period specified in the Permit, shall be submitted to the Executive Secretary, Utah Division of Water Quality at the following address no later than 30 days after the end of the monitoring period (unless specified otherwise in this Permit):

Utah Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Attention: Ground Water Protection Section
Electronic address: rherbert@utah.gov

- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this Permit shall be submitted no later than 14 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the Permittee monitors any pollutant more frequently than required by this Permit, using approved test procedures as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted. Such increased frequency shall also be indicated.
- G. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) and time(s) analyses were performed;
 4. The individual(s) who performed the analyses;

5. The analytical techniques or methods used; and,
 6. The results of such analyses.
- H. Retention of Records. The Permittee shall retain records of all monitoring information, including all water monitoring equipment calibration and maintenance records and copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Executive Secretary at any time.
- I. Twenty-four Hour Notice of Noncompliance and Spill Reporting.
1. The Permittee shall verbally report any noncompliance, or spills subject to the provisions of UCA 19-5-114, which may endanger public health or the environment, as soon as possible, but no later than twenty-four (24) hours from the time the Permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24 hour number, (801) 536-4123, or to the Division of Water Quality, Ground Water Protection Section at (801) 536-4300, during normal business hours (7:00 AM - 6:00 PM Monday through Thursday Mountain Standard Time).
 2. A written submission shall also be provided to the Executive Secretary within five days of the time that the Permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 3. Reports shall be submitted to the addresses in Part II.D, Reporting of Monitoring Results.
- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours, shall be reported at the time that monitoring reports for Part II.D are submitted.

- K. Inspection and Entry. The Permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the Permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and,
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The Permittee must comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application. The Permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a Permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under Section 19-5-115(2) of the Act a second time shall be punished by a fine not exceeding \$50,000 per day. Nothing in this Permit shall be construed to relieve the Permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.
- D. Duty to Mitigate. The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of the Permit.

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The Permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when the alteration or addition could significantly change the nature of the facility or increase the quantity of pollutants discharged.
- B. Anticipated Noncompliance. The Permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Permit Actions. This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must apply for and obtain a permit renewal or extension. The application should be submitted at least 180 days before the expiration date of this Permit.
- E. Duty to Provide Information. The Permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Executive Secretary, upon request, copies of records required to be kept by this Permit.
- F. Other Information. When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Executive Secretary, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Executive Secretary shall be signed and certified.
 - 1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

- c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
- 2. All reports required by the Permit and other information requested by the Executive Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Executive Secretary, and,
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- 3. Changes to Authorization. If an authorization under Part IV.G.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IV.G.2 must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
- 4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential by the Permittee, all reports prepared in accordance with the terms of this Permit shall be available for public inspection at the offices of the Executive Secretary. As required by the Act, permit applications, permits, effluent data, and ground water quality data shall not be considered confidential.
- J. Property Rights. The issuance of this Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- K. Severability. The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.
- L. Transfers. This Permit may be automatically transferred to a new Permittee if:
1. The current Permittee notifies the Executive Secretary at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new Permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 3. The Executive Secretary does not notify the existing Permittee and the proposed new Permittee of his or her intent to modify, or revoke and reissue the Permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- M. State Laws. Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, penalties established pursuant to any applicable state law or regulation under authority preserved by Section 19-5-117 of the Act.

- N. Reopener Provision. This Permit may be reopened and modified (following proper administrative procedures) to include the appropriate limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. If new ground water standards are adopted by the Board, the Permit may be reopened and modified to extend the terms of the Permit or to include pollutants covered by new standards. The Permittee may apply for a variance under the conditions outlined in R317-6-6.4(D)
 2. If alternate compliance mechanisms are required
 3. If water quality of the facility is significantly worse than represented in the original Permit application.

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